

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AARON D. SEYMOUR,

Plaintiff,

v.

DOE 1, et al.,

Defendants.

Case No.: 1:22-cv-01146-SKO

**ORDER TO SHOW CAUSE IN WRITING
WHY SANCTIONS SHOULD NOT BE
IMPOSED FOR PLAINTIFF'S FAILURE
TO FILE AN OPPOSITION OR
STATEMENT OF NON-OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT**

14-DAY DEADLINE

Plaintiff Aaron D. Seymour is appearing pro se and *in forma pauperis* in this civil rights action.

I. INTRODUCTION

On September 2, 2025, Defendant Medina filed a Motion for Summary Judgment addressing the merits of Plaintiff's claim. (Doc. 40.) Although more than 21 days have passed, Plaintiff has not filed an opposition or a statement of non-opposition to the summary judgment motion. *See* Local Rule 230(I).

On October 6, 2025, this matter was reassigned from Magistrate Judge Gary S. Austin to the undersigned for all further proceedings. (Doc. 41.)

On October 7, 2025, Defendant filed a Notice of Plaintiff's Failure to Oppose Defendant's Motion for Summary Judgment, Submitted in Lieu of Reply Papers, and Request for Dismissal

with Prejudice. (Doc. 42.) A review of the docket revealed Defendant’s motion did not include the required *Rand* warning, and the Court issued its Second Informational Order – Notice and Warning of Requirements for Opposing Defendant’s Summary Judgment Motion. (Doc. 43.) Plaintiff was provided relevant information and directed to file an opposition or statement of non-opposition to Defendant’s summary judgment motion within 21 days of the date of service of the order.¹ (*Id.* at 2-4.) Plaintiff was advised that a failure to comply with the Court’s order “may result in the dismissal of this action.” (*Id.* at 4, emphasis omitted.)

Plaintiff has failed to timely file either an opposition or statement of non-opposition to Defendant’s pending motion.

II. DISCUSSION

This Court’s Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide that a “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for the imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” *See* Local Rule 110. Further, the Local Rules also state:

Opposition, if any to the granting of a motion shall be served and filed by the responding party not more than twenty-one (21) days after the date of service of the motion. A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect, specifically designating the motion in question. Failure of the responding party to file an opposition or statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.

Local Rule 230(*l*) (“Motions in Prisoner Actions”). Therefore, Plaintiff’s opposition or statement of non-opposition to Defendant’s pending motion was due on or before November 4, 2025, plus time for mailing.

Although more than 21 days plus time for mailing have passed, Plaintiff has filed neither an opposition nor a statement of non-opposition to Defendant’s motion for summary judgment, or otherwise contacted the Court.

¹ 10/14/2025 + 21 days = 11/4/2025.

